

January 26, 2009

Kath Mullholand
Director of Operations
segTEL
P.O. Box 610
Lebanon, NH 03766

Re: DT 09-007, segTEL, Inc.
Request for Fast Track Arbitration

Dear Ms. Mullholand,

On January 22, 2009, you filed on behalf of segTEL, Inc. (segTEL) a request for fast track arbitration of FairPoint Communications, Inc.'s (FairPoint's) denial of segTEL's request for access to FairPoint's dark fiber facilities. In its Order No. 22,942 dated May 19, 1998, the Commission established a 20-day "fast track" arbitration as the appropriate process to resolve disputes concerning dark fiber availability.

Staff has reviewed segTEL's filing and concluded that FairPoint's denial raises, inter alia, the issues of whether the dark fiber reserved by FairPoint for maintenance is reasonable, and whether alternative routes were considered. Therefore, pursuant to RSA 363:17, the Commission has appointed a member of its staff, Attorney F. Anne Ross, with technical assistance as needed, to arbitrate this matter. In accordance with the time frames established for fast track arbitration in Order No. 22,942, Attorney Ross is directed to report to the Commission her findings and recommendations no later than February 11, 2008. Docket No. DT 09-007 has been assigned for future reference.

Sincerely,

Debra A. Howland
Executive Director